

In the Matter of WHITE FURNITURE COMPANY and UNITED FURNITURE
WORKERS OF AMERICA, C. I. O.

Case No. 5-R-1809.—Decided March 20, 1945

Mr. Kenneth M. Brim, of Greensboro, N. C., for the Company.

Mr. Bernard Hiatt, of Martinsville, Va., for the Union.

Mr. Louis Cokin, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Furniture Workers of America, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of White Furniture Company, Mebane, North Carolina, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before George L. Weasler, Trial Examiner. Said hearing was held at Greensboro, North Carolina, on March 1, 1945. The Company and the Union appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

White Furniture Company is a North Carolina corporation with its principal place of business at Mebane, North Carolina, where it is engaged in the manufacture of furniture. During the 12-month period preceding the date of the hearing, the Company purchased raw materials valued in excess of \$250,000, approximately 90 percent of which was shipped to it from points outside the State of North

Carolina. During the same period the Company produced goods valued in excess of \$500,000, about 95 percent of which was shipped to points outside the State of North Carolina.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

II. THE ORGANIZATION INVOLVED

United Furniture Workers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as the exclusive collective bargaining representative of its employees until such time as the Union is certified by the Board.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.¹

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

The Union urges that all production and maintenance employees of the Company, excluding clerical employees, the superintendent, foremen, clipper operator and assistant foreman, tape machine operator and assistant foreman, and inspectors, constitute a unit appropriate for the purposes of collective bargaining. The only controversy with respect to the unit concerns inspectors, the clipper operator and assistant foreman, and the tape machine operator and assistant foreman. The Company would include them in the unit.

The Company employs two inspectors who are paid on an hourly rate. They inspect the Company's products before they go to the finishing department, and although they have the authority to reject any products for faulty work, they do not have knowledge with respect to what employees might have performed such work. They do not make any recommendations with respect to the quantity or quality of work produced by any employee. Under the circumstances, we shall include the inspectors in the unit.

¹The Field Examiner reported that the Union presented 143 membership application cards. There are approximately 200 employees in the appropriate unit.

The Company employs two persons classified as a clipper operator and assistant foreman and a tape machine operator and assistant foreman, respectively. Both of these employees work in the veneer department where they spend all of their time operating machines. They are paid on an hourly rate and receive approximately the same rate of pay as the skilled mechanics employed by the Company. Although they are in charge of the veneer department during the infrequent absences of the foremen, they do not have any authority to recommend effectively the hire, discharge, discipline, or promotion of any employee. Inasmuch as the record clearly shows that these two employees do not have any supervisory authority we shall include them in the unit.

We find that all production and maintenance employees of the Company, including inspectors, the clipper operator and assistant foreman, and the tape machine operator and assistant foreman, but excluding clerical employees, the superintendent foremen, and any other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by means of an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with White Furniture Company, Mebane, North Carolina, an election by secret ballot shall be conducted as early as possible, but not later than sixty (60) days from the date of this Direction, under the direction and supervision of the Regional Director for the Fifth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the unit found appropriate in Section IV, above, who

were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding any who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by United Furniture Workers of America, C. I. O., for the purposes of collective bargaining.